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Agency Secretary
Cal/EPA



Department of Toxic Substances Control

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Arnold Schwarzenegger
Governor

July 30, 2004

To Registered Hazardous Waste Transporters:

HAZARDOUS WASTES OF CONCERN DISCLOSURE STATEMENT FINGERPRINT REQUIREMENT PROCESSING DELAYS

As you may recall, pursuant to Senate Bill 489 (Statutes of 2002) (SB 489), the Department of Toxic Substances Control (DTSC) must complete a background check **prior** to issuing your authorization to transport hazardous wastes of concern. **This letter is to advise you that if you are planning to submit a renewal application, you must submit it with sufficient time for DTSC to complete the background check prior to your expiration date.** Failure to complete the background check prior to the expiration of your registration could preclude you from transporting hazardous wastes of concern until the background check is completed.

SB 489 was enacted in response to security concerns following the September 11, 2001 terrorist attacks. This legislation was intended to increase the security surrounding the disposal and transport of hazardous wastes that could be used in a terrorist act to harm the public and or the environment. To ensure the safety of these wastes, the law authorized DTSC to complete background checks both on treatment, disposal, and storage facilities who handle this waste, and on individuals transporting this waste. In reference to transporters, the new law added a requirement that any person applying for registration as a hazardous waste transporter who will transport hazardous wastes of concern must submit a disclosure statement and fingerprints for a criminal background check on and after January 1, 2004. DTSC is allowed no more than 180 days to conduct a background check. (Health & Saf. Code §25169.7(b)(6).)

The law does not permit DTSC to authorize a transporter to transport hazardous wastes of concern prior to the completion of the background check. Regardless of whether an applicant appropriately has submitted the Disclosure Statement and the fingerprints prior to the renewal date, DTSC has no authority to issue an authorization for a transporter to handle hazardous wastes of concern until the background check is actually completed. This is to ensure that individuals involved in transporting these wastes do not pose a risk of harm to public health and safety.

DTSC has been informed that there have been delays in the processing of fingerprints. When we initially implemented the background check program, we were advised by the California Department of Justice (DOJ) that processing the fingerprints would take no

more than two weeks. The submission of fingerprints is a complicated process in which fingerprints are submitted first to DOJ and then to the FBI. In addition, if the fingerprints submitted contain a partial print, the process sometimes must be repeated with the submission of new fingerprints. It recently became apparent that DOJ is taking substantially longer than two weeks to process the fingerprints. Accordingly, DTSC has updated its website and through this letter is notifying you that because of these delays it is critical that you submit your disclosure statement and fingerprints with sufficient time for DOJ to process the fingerprints prior to the expiration of an existing registration.

Because of the current delays in processing of fingerprints, DTSC strongly recommends that a hazardous waste transporter who wants to transport hazardous wastes of concern should submit its Disclosure Statement and fingerprints a minimum of sixty (60) days prior to the expiration of its current registration. Please note that this estimate is based on our recent experience, but that processing times may vary. As a result, we urge you to submit your Disclosure Statement and fingerprints as far in advance as possible. Transporters located in California should locate the nearest Live Scan agency for electronic transmission of fingerprints. A list of Live Scan agencies may be obtained from the DOJ website at www.caag.state.ca.us/fingerprints/index.htm. Transporters located outside of California are reminded that they must submit fingerprint cards along with their disclosure statement. You may request fingerprint cards from Ms. Karla Gillespie at (916) 323-8510.

DTSC is committed to facilitating implementation of this law in a manner that involves minimal disruption, if any, to California businesses. If you have further questions about this letter, please contact John Galicia at (916) 255-4367.

Sincerely,

Original Signed by Sherri Lehman

Sherri Lehman, Chief
Compliance Program Development Branch
Hazardous Waste Management Program